or parting adjoining premises, so far as relates to supplying the want of consent of the adjoining owners, that if the adjoining premises be unoccupied, or if the owner thereof cannot be found, or if the owner, although found, cannot, by reason of legal disability or otherwise, consent to the work, or if the owner will not consent thereto, or if differences arise amongst the parties concerned, then the notice required to be given in respect of such work must be served both on the surveyor and on the official referees, in addition to such other parties entitled to notice under this Act upon whom such notice can be served; and that forthwith on the receipt of such notice it shall be the duty of the surveyor and he is hereby required to give notice to the parties by whom such work is to be executed, and to any one or more surveyors or other agents by them appointed, as to the day and hour when he will view the premises; and at such time the surveyor of the district is hereby authorized to proceed to inspect such premises accordingly, and to certify to the official referees, first, whether such works ought to be done or not; and secondly, if the same ought to be done, whether it ought to be done in the proposed manner; and thirdly, the site whereon the party-wall should be built; and with regard to intermixed buildings, what party-arches may be necessary over or under any rooms of such buildings so intended to be rebuilt; and fourthly, the quantity of the soil or ground or other parts of the premises (if any) necessary to be laid to or taken from the house of the person desirous to rebuild, to the house of the person permitting him to erect a party-wall or party-arch; and fifthly, the compensation (if any) which should be made and paid by the building-owner, of either or any of the premises affected thereby, to the adjoining owner, in lieu of the lessening either of the said buildings by such party-wall or party-arch, or as a satisfaction for such other injury (if any) as shall be done or occasioned thereby to any of the said parties; and that upon the receipt of such certificate, it shall be the duty of the official referees, and they are hereby required to cause notice thereof to be given to the parties or to such of them as are known; and that if within seven days after such notice to the parties, the certificate be not appealed against, and if the official referees be of opinion that the work is proper to be done, and the compensation is fair, then it shall be lawful for the official referees to confirm such certificate, and to authorise the building-owner to proceed with the works, as if the consent of the adjoining owner had been obtained; and that if any party concerned shall appeal against the certificate of the surveyor as to the work to be done, or as to the compensation, or as to any other matter referred to in such certificate, in pursuance of the above provisions, then it shall be the duty of the official referees, and they are hereby required to appoint one of their number to survey the building in question; and that for that purpose it shall be the duty of the official referee so appointed, and he is hereby required to give notice to the parties, and to any one or more surveyors or other agents by them appointed, as to the time when he will view the premises; and that at such time it shall be the duty of such referee, and he is hereby authorized to view such premises accordingly, and to inquire into the matters appealed against, and to certify to the official referees his opinion thereon; and that upon such certificate being made, it shall be lawful for the official referees to make their award, thereby either confirming, or reversing, or modifying, as to them the case may seem to require, the certificate of the surveyor, and appointing by whom and in what proportions the expenses of the surveys and of the reports thereon are to be paid; and such award shall be final and conclusive; and with regard to any works by such award authorized, so far as relates to the proceedings of the building-owner, that if upon the making of the award, the periods of the notices by this Act prescribed with regard to works of that nature have elapsed, then immediately upon the making of the award, but if such periods have not elapsed, then as soon after the making of the award as such periods shall have elapsed, it shall be lawful for the building-owner, his agents, servants and workmen, to proceed to execute the works.

Reparation and Rebuilding at joint Expense.

24. And be it enacted, with regard to any party-wall, party-arch or external wall used wholly or in part as a party fence-wall, so far as relates to the reparation and rebuilding thereof, at the joint expense of the owners of the buildings parted thereby, that if such party structure be so defective or so far out of repair as to render it necessary to pull down and rebuild the same, or any part thereof, then, on notice being given by the owner of one of the buildings to the adjoining owner, it shall be lawful for the building-owner to require a survey, certificate, and award authorizing the execution of such reparation or rebuilding, according to the provisions hereinbefore contained in that behalf.

The words "*for the building-owner to require a survey*" are not sufficiently definite, notwithstanding explanation of § 2.

Rebuilding of Party-walls.

25. And be it enacted, with regard to party-walls, so far as relates to the rebuilding thereof, at the expense of the building owner, that if the owner of one of the buildings desire to re-build such party-wall, then, on giving to the adjoining owner the required notice of six months, it shall be lawful for such building-owner, and he is hereby entitled to pull down and rebuild such party-wall; but upon condition that he do pay all the costs and charges thereof, and also all the expenses incidental to the execution of the work, including therein the fees and expenses of the survey, and the fees of the surveyors and in respect of any services performed by the official referees.

Rebuilding a Party-wall—Building of an external Wall against a Party-wall.

26. And be it enacted, with regard to any party wall so *far* as the rebuilding thereof; that if the owner of one of the buildings parted by such party-wall rebuild such building of a higher rate, and do not pull down such party-wall and build a proper wall in lieu thereof, then it shall be his duty, and he is hereby required, to build up an external wall against such party-wall.

Damage arising from Erection of external Wall against a Party-wall—Cutting into Footings and Chimneys.

27. And be it enacted, with regard to an external wall built against a party-wall, so far as relates to the operations incident thereto, and to the making good any damage occasioned thereby, that if it be necessary to excavate or dig out the ground against the wall of any adjoining building, for the purpose of erecting a wall thereon, then it shall be lawful for the building-owner and he is hereby entitled so to do, but upon condition, that such building-owner do, at his own costs, shore up and underpin such wall, or such part thereof, to its full thickness, and to the full depth of such excavation, with good sound stock-bricks and tiles or slates bedded in cement; such underpinning to be done in a workmanlike and substantial manner; and that if, for the purpose of erecting such external wall, it be necessary to cut away part of the footings of such party-wall on the side next to the wall so to be built, and any part of the breasts and chimney-shafts belonging to the building about to be rebuilt, as shall project beyond the perpendicular face of such party-wall, in the lowest floor thereof, then, on giving notice of such intention in writing to the owner of the adjoining building at least one month before commencing such operations; and on the expiration of such notice, it shall be lawful for the building-owner and he is hereby authorized to cut away such portion of the footings, breasts and chimney-shafts aforesaid; but so that the same be done, and the brick-work where cut be again made good in cement, under the superintendence and to the satisfaction of the surveyor.

Stone ought to be permitted to be used as well as "stock-bricks and tiles or slates," and the word "*cement*" is too indefinite—any mortar is a cement. The word "CEMENT" ought to be placed before the word "breasts."

Making good such Damage—Survey—Damage from Carelessness—Rebuilding.

28. Provided always, and be it enacted, with regard to such party-wall, so far as relates to the making good of any such damage, that if it be so damaged and injured by such cutting away, as in the opinion of the adjoining owner or occupier to be ruinous or dangerous, then, upon application for that purpose, it shall be the duty of the surveyor, and he is hereby required to survey such wall; and if upon the survey thereof it be found ruinous or dangerous, then to condemn it; and that, thereupon, it shall be the duty of the building-owner to pull down and rebuild such party-wall; and that if, in the opinion of the surveyor or of the official referees, such damage or injury shall have been occasioned by want of due care, on the part of the building-owner, then it shall be the duty of such building-owner and he is hereby required to pull down and rebuild such party-wall; and that at his own costs and charges, including therein all the costs and expenses incident to such survey, and the pulling down and rebuilding of such party-wall, and the reinstating and making good all the internal finishings and decorations damaged thereby; and that if the owner of the building to be rebuilt do not proceed with all due despatch to pull down and rebuild such party-wall, and to reinstate and make good all the internal finishings and decorations of the adjoining premises, and to pay the costs and charges and expenses of the survey, then it shall be lawful for the adjoining owner so to do, and he is hereby entitled to recover all the costs and expenses in respect thereof from such owner, his heirs, executors, administrators, or assigns.

A party-wall may be "ruinous" or even "dangerous" without it becoming necessary to take down and rebuild such party-wall: this provision, if strictly enacted and strictly enforced, might become vexatious and burthensome in expense. A party-wall may be dangerous, and yet be so underpinned and repaired, as to be as sound and effective as a new one.

Rebuilding of sound Party-walls—Reference to Official Referee.

29. And be it enacted, with regard to any sound party-wall against which an external wall shall have been built, and which shall have been suffered to remain so far as relates to the rebuilding thereof, that if, while such party-wall continues sound, the adjoining building be pulled down or rebuilt, and such party-wall be pulled down, then the owner of such adjoining building shall not be entitled to more than his just proportion of the materials thereof, nor to more than his just proportion of the ground on which such party-wall was built, nor shall he build on more than his just proportion of the said ground, unless he shall have agreed with and satisfied the owner of the building so previously rebuilt for his half thereof; and that if the said owners cannot agree concerning the division of such materials, or of such ground, or of the building thereon, or concerning the reimbursement of the party first rebuilding as aforesaid, then the price and all matters in difference, including the sale and purchase of the ground in question, shall be settled by a reference to the official referees, whose award shall be final.

Raising of Buildings—Future Buildings—Existing Buildings—Chimneys of adjoining Buildings—Use of raised Buildings.

30. And be it enacted, with regard to every building hereafter built, so far as relates to the raising thereof, that it shall be lawful to raise any building, but so that, nevertheless, the party and external walls and chim[illegible]